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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,167	05/30/2000	Matthew P.J. Baker	PHB 34,348	2454

24737 7590 03/10/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 03/10/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/580,167

Applicant(s)

BAKER ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al (6,321,260).

As per claims 1,3 Takeuchi disclosed a method of transmitting data packets over an interface between first and second heterogeneous parts (col. 3, lines 63-67 & col. 4, lines 1-14), the method comprising after transmission of the data packets begins, determining, in the first part or interface the number of data packets being transmitted in a predetermined time (col. 15, lines 26-31) and reserving, in the second part sufficient information carrying capacity corresponding to at least one data packet in excess of the number determined (col. 15, lines 40-64). Takeuchi control module calculates the total of packet sizes to be sent in one cycle can be interpreted as determining the number of data packets being transmitted in a predetermined time whereas Takeuchi size of one packet of continuous media data to be sent and received is the size specified by the argument packet\_size can be interpreted as in the second part corresponding to at least one data packet in excess of the number determined.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a method of transmitting data packets over an interface between first and second heterogeneous parts, comprising the first part or interface determining the number of data packets being transmitted in a predetermined time and reserving sufficient information carrying capacity in the second part corresponding to at least one data packet in excess of the number determined as taught by Takeuchi increase the mobility of the networks and increase the usage of the network by the user from one access point.

3. As per claims 2,4 Takeuchi disclosed characterized in that at the commencement of transmission the amount of information carrying capacity reserved in the second part corresponds to that reserved in the first part and in that the amount of information carrying capacity reserved is reduced during transmission to at least one packet in excess of the number determined (col. 3, lines 64-67 & col. 4, lines 1-13).

Applicant's argument:

4. Applicant argued that prior art did not disclose the limitations after transmission begins, determining, in the first part or interface, the number of data packets being transmitted in a predetermined time; and reserving, in the second part, sufficient information carrying capacity, corresponding to at least one data packet in excess of the number determined.

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As to applicant argument Takeuchi disclosed the application requests establishment of the logical connection prior to transfer of the continuous media data, sends and receives continuous media data, and sets various parameters to be used to process resources. The continuous media data sending and receiving process can be realized by use of existing socket interface. The logical connection establishment requests is executed using the following external interface (col. 15, lines 40-47). One ordinary skill in the art at the time of the invention can interpret the logical connection as being after transmission begins.

5. Applicant argued that prior art did not disclose after transmission of the data packet begins, determining, in the first part or interface, the number of the data packets being transmitted in a predetermined time; and reserving , in the second part, sufficient information carrying capacity.

As to applicant's argument Takeuchi disclosed the sender node sends the control message Connect to the receiver node. The control message Connect requests establishment of logical connection from the sender node to the receiver node. After establishment of the logical connection it is guaranteed that a data buffer, CPU time, and bandwidth necessary to send, relay, and receive continuous media data along the connection are secured at each node on the connection. One ordinary skill in the art at the time of the invention can interpret "after the transmission of the data packet" as after establishing a connection between both ends then start sending data packets, where establishing a connection required information such as data speed, bandwidth, protocols (etc). In the prior art Takeuchi does suggest sending the connect message to

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establish a logical connection before sending the data that is one of the requirement before start sending data in a data network system. Consider an example of TCP/IP protocol where after the data packet was sent and if there an error occurred to the data packet, an error message is sent back disclosing the claim parameters.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

7. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703)-308-5221. The fax for this group is (703)-746-7239.

8. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

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(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

9. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.



Adnan Mirza

Examiner



**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**